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By: John CarbinDocket #15562/02  
(formerly 62-1(1))**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of )

Comai, et al. )

Serial No. 07/985,742 )

Filed: December 4, 1992 )

For: FIGWORT PLANT PROMOTER  
AND USES )

Examiner: Fox, D.

Art Unit: 1649

AMENDMENT UNDER  
37 C.F.R. § 1.312-1168/19/99  
DJFHonorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231received  
8/19/99  
DJF

Dear Sir:

In response to the Office Action issued on remand from an appeal to the Board of Patent Appeals and Interferences, Applicants provide the following amendments and remarks in the above-referenced application.

**IN THE SPECIFICATION**

Please change the attorney docket number in this case, to 15562/02.

**IN THE CLAIMS**

Please amend the claims as follows:

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20 (Fourth Amendment) A recombinant DNA construct capable of transcription in a plant cell comprising in the 5' to 3' direction of transcription as operably joined components, a figwort mosaic virus 34S promoter, a DNA sequence of interest heterologous to said promoter and a transcript termination region functional in a plant cell wherein said figwort mosaic virus 34S promoter is at least a quarter length promoter.

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